IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL JURISDICTION

SUIT NO.1492 OF 1989

Heatly and Gresham (India) Ltd. ...Plaintiffs

Versus

Smt.Poonam Lalit Pant & Ors. ...Defendants

.....

None appears.

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CORAM: A.M.KHANWILKAR, J.

AUGUST 31, 2007.

P.C.

1. Matter was listed on 22nd August 2007, when none appeared. By way of indulgence, it was kept today under caption ‘dismissal’. Even today, none appears. Dismissed for non-prosecution.

2. Later on, Mr.Jai Raut i/b M/s.Crawford Bayley & Co. for the Plaintiffs appeared and requested to recall the order dismissing the matter for non-prosecution, on the ground that at the relevant time he was held up in some other Court.

3. For the reason mentioned, order passed in the morning session dismissing the matter for non-prosecution is recalled and Suit is restored to the file, to be proceeded forthwith.

4. Counsel for the Plaintiff, however, submits that inspite of repeated reminders, Plaintiffs have not responded. No instructions are forthcoming, for which reason, affidavit of evidence and documents cannot be filed. In that case, the matter cannot be kept pending as it pertains to year 1989.

5. Accordingly, this Suit is once again dismissed for non-prosecution, but on account of no instructions received by the Advocate for the Plaintiffs to proceed in the matter.

A.M.KHANWILKAR, J.